IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 6404 OF 2005.
IN
FIRST APPEAL NO. 743 OF 2006.

The State of Maharashtra. ... Applicant.
Versus.
Goma Likrya Bhende (deceased)
through Legal heirs
Shri Anant Goma Bhende and others. ... Respondents.

Shri A.R.Patil, A.G.P. for the Applicant.
Shri S.M.Kamble for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 10th April, 2006.

P.C.:

1. Heard the learned A.G.P. for the State. The prayer in this Application is for stay of execution of the Judgment and Award under section 28A(3) of the Land Acquisition Act, 1894. The execution of such Award cannot be stayed unless the entire amount due and payable under the said Award is deposited by the Applicant.

2. Hence the Civil Application is disposed of by the following order:

i) There will be interim relief in terms of prayer clause (b) subject to condition that the Applicant will deposit with the Reference Court the entire amount due and payable under the

impugned Award within a period of 12 weeks from today. If the amount is not deposited within the stipulated time, the interim stay granted will stand vacated without reference to the Court.

ii) If the amount is deposited, the original Claimants will be entitled to withdraw the same on furnishing security to the satisfaction of the Reference Court.

iii) If the amount deposited by the Applicant is not withdrawn by the original Claimant within six months from the date of deposit of the amount, the Reference Court will invest the said amount in a fixed deposit with any nationalised bank initially for a period of five years and thereafter the fixed deposit will be renewed from year to year.

iv) There will be no order as to costs.

Judge.